

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

KENNETH E. SAVAGE, JR.,
PLAINTIFF,

VS. NO. 2:14-cv-02057-STA-dkv

FEDERAL EXPRESS CORPORATION,
D/B/A FEDEX EXPRESS, FEDEX
CORPORATION EMPLOYEES' PENSION
PLAN, FEDEX CORPORATION RETIREMENT
SAVINGS PLAN,
DEFENDANTS.

VIDEO DEPOSITION

OF

JASON JACKSON

JULY 29, 2015

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1 The video deposition of JASON JACKSON
2 is taken on this, the 29th day of July, 2015,
3 on behalf of the Plaintiff, pursuant to notice
4 and consent of counsel, beginning at
5 approximately 9:09 a.m. at FedEx World
6 Headquarters, 3620 Hacks Cross Road, Building
7 B, Memphis, Tennessee.

8 This video deposition is taken
9 pursuant to the terms and provisions of the
10 Tennessee Rules of Civil Procedure.

11 All forms and formalities, including
12 the signature of the witness, are waived, and
13 objections alone as to matters of competency,
14 irrelevancy and immateriality of the testimony
15 are reserved to be presented and disposed of at
16 or before the hearing.

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1 A. Prior to 2003, FedEx did calculations
2 inhouse using a previous calculation system
3 developed by Mercer but signed off on by FedEx.

4 Q. Okay. And do you know where they did
5 those calculations inhouse?

6 A. In 2003? I believe it would have
7 been in this complex (indicating).

8 Q. Okay. Is -- have you heard the term,
9 the "FedEx Retirement Services Center"?

10 A. Yes.

11 Q. Okay. What is the FedEx Retirement
12 Services Center?

13 A. That is the name for -- from 2003 to
14 2013, where Mercer was providing the
15 outsourcing services and -- through Deerfield
16 and Vernon Hills.

17 Q. Okay. Where, currently, are the
18 calculations being performed?

19 A. By Aon Hewitt. I'm sorry.

20 Q. And when did Aon Hewitt take up the
21 responsibility of performing the calculations
22 for FedEx?

23 A. January 1st, 2014.

24 Q. And do you know why Aon Hewitt

1 Mercer didn't handle that part of it. I
2 understand that, and you testified earlier
3 that, you know, you take the data they give
4 you. For the purpose of this hypothetical, if
5 FedEx did not properly credit Mr. Savage's
6 imputed military earnings -- okay?

7 A. Okay.

8 Q. If that happened -- okay -- would
9 that affect his Portable Pension Account?

10 A. If they had not provided the -- all
11 of the military-imputed income is what you're
12 asking?

13 Q. Correct.

14 A. Would that have impacted his Portable
15 Pension Account?

16 Q. Correct.

17 A. Yes.

18 Q. I mean, you will agree with me that
19 they did not provide all of his imputed
20 military earnings, at least --

21 A. They -- they originally did not
22 provide all of his military earnings, but his
23 calculation, as now revised in October 2013,
24 does include all military-imputed income and

1 he -- since he was not paid his benefit prior
2 to that time, again, he was not out any
3 benefits from -- because the correction was
4 made before he was paid his benefit.

5 Q. Okay. Let me ask you this question.
6 You testified repeatedly in this deposition
7 that you had no data that could prove whether
8 or not Mr. Savage's imputed military earnings
9 were actually correct because that data was
10 given to you by FedEx. Is that not correct?

11 A. That is correct.

12 Q. So, how can you sit here and testify
13 that you know that Mr. Savage's was given
14 all -- all -- all of his credits for his
15 imputed military earnings? I just -- I -- I
16 really need to understand this. How can you
17 sit here and testify to that under oath?

18 MR. REED: Objection. It misstates
19 prior testimony.

20 A. I --

21 Q. Well, hold on a second.

22 MR. NAPITONIA: Please read back my
23 question, if you will -- it's two
24 questions before -- and read his answer

1 Q. All right. But then there's this YRB
2 that shows this formula and says, you know,
3 "Here's the formula, and if you apply this
4 formula, you should be able to -- you should be
5 able to calculate the retirement benefit,"
6 correct?

7 MR. ROSENFELD: Object.

8 BY MR. NAPITONIA:

9 Q. If it's applied correctly?

10 MR. ROSENFELD: Objection. The
11 document speaks for itself.

12 A. Yes.

13 Q. I mean, that's the purpose of it in
14 the YRB, right, as far as the formula goes?
15 That's why it's there and --

16 A. The formula is there to show
17 participants how their benefits is calculated.

18 Q. Okay. So, if a participant applied
19 his or her data -- correct data -- to the
20 formula that's in the YRB, would that
21 individual be able to arrive at an accurate
22 retirement benefit?

23 MR. ROSENFELD: Objection to form.

24 A. If a participant understood the

1 formula correctly, understood the data
2 correctly and had the data correctly and had
3 the right skills to do that, they should be
4 able to calculate their benefit.

5 Q. Okay. I'm just -- what I'm getting
6 at is, it doesn't have to be an automated
7 system? It doesn't have to be calculated by
8 BeneCalc, does it?

9 A. Correct.

10 Q. Okay. And am I correct in the reason
11 it's calculated by BeneCalc is because there
12 are many, many calculations that have to be
13 done for FedEx?

14 A. Correct.

15 Q. Okay. So, I mean, automation makes
16 things easier oftentimes, does it not? It
17 streamlines the process?

18 A. Correct.

19 Q. Okay.

20 MR. ROSENFELD: Could we go off the
21 record just for one second?

22 MR. NAPITONIA: Yeah.

23 THE VIDEOGRAPHER: Going off the
24 record. The time is 2:29.

C E R T I F I C A T E

STATE OF TENNESSEE:

COUNTY OF MADISON:

I, TAMMY W. WENDEL, LCR, and Notary
Public, Madison County, Tennessee, CERTIFY:

The foregoing proceedings were taken
before me at the time and place stated in the
foregoing styled cause with the appearances as
noted.

Being a Court Reporter, I then
reported the proceeding in Stenotype, and the
foregoing pages contain a true and correct
transcript of my said Stenotype notes then and
there taken.

I am not in the employ of and am not
related to any of the parties or their counsel,
and I have no interest in the matter involved.

I further certify that in order for
this document to be considered a true and
correct copy, it must bear my original
signature and that any reproduction in whole or
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not to be considered authentic. Unauthorized
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violation of Tennessee Code Annotated
39-14-149, Theft of Services.

Witness my signature this the _____
day of _____, 2015.

TAMMY W. WENDEL, LCR

Notary Public at Large
For the State of Tennessee
My Commission Expires:
February 24, 2016